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HOUSE BILL 201

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Rick Miera

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; ENACTING THE CYBER ACADEMY ACT;  
PROVIDING POWERS AND DUTIES; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"~~[NEW MATERIAL]~~ SHORT TITLE.--Sections 1 through 6 of this act may be cited as the "Cyber Academy Act"."

Section 2. A new section of the Public School Code is enacted to read:

"~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the Cyber Academy Act:

A. "course provider" means a person that supplies educational course content for distance learning courses;

B. "cyber academy" means the department's

1 collaborative program that offers distance learning courses to  
2 all local distance learning sites;

3 C. "distance learning course" means an educational  
4 course that is taught where the student and primary instructor  
5 are separated by time or space and linked by technology;

6 D. "distance learning student" means a student who  
7 is enrolled in one or more distance learning courses for  
8 credit;

9 E. "learning management system" means a software  
10 application that facilitates online instruction and interaction  
11 between teachers and distance learning students;

12 F. "local distance learning site" means a school  
13 district or charter school that offers and grants credit for  
14 distance learning courses to distance learning students  
15 enrolled in the school district or charter school;

16 G. "primary enrolling district" means the school  
17 district or charter school in which the distance learning  
18 student is enrolled;

19 H. "regional host" means an educational institution  
20 or other person selected by the cyber academy to coordinate the  
21 delivery of distance learning courses within a broad geographic  
22 region of the state; and

23 I. "service center" means the single central  
24 facility where administrative and management functions of the  
25 cyber academy are physically located in New Mexico."

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1           Section 3. A new section of the Public School Code is  
2 enacted to read:

3           "[NEW MATERIAL] CYBER ACADEMY CREATED.--The "cyber  
4 academy" program is created in the department. The cyber  
5 academy is a collaborative program among the department, the  
6 higher education department, telecommunications networks and  
7 representatives of other state agencies engaged in providing  
8 distance education. The cyber academy shall provide distance  
9 learning courses for grades six through twelve and professional  
10 development for teachers, instructional support providers and  
11 school administrators."

12           Section 4. A new section of the Public School code is  
13 enacted to read:

14           "[NEW MATERIAL] DEPARTMENT RULES.--The department shall  
15 promulgate rules to carry out the provisions of the Cyber  
16 Academy Act."

17           Section 5. A new section of the Public School Code is  
18 enacted to read:

19           "[NEW MATERIAL] CYBER ACADEMY--DUTIES.--The cyber academy  
20 shall:

21           A. establish a distance learning course delivery  
22 system that is efficient and cost-effective and that uses a  
23 statewide service center and regional hosts to provide approved  
24 distance learning courses;

25           B. select regional hosts based on pre-existing

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1 experience and capacity to facilitate the delivery of distance  
2 educational programs, including public post-secondary  
3 educational institutions, regional education cooperatives and  
4 school districts;

5 C. provide technical and program support to  
6 regional hosts and local distance learning sites;

7 D. ensure that all distance learning courses  
8 offered by course providers are taught by highly qualified  
9 teachers and meet state academic content and performance  
10 standards;

11 E. provide for reasonable and equitable means to  
12 allocate the costs of distance learning courses among the cyber  
13 academy, the course providers and the school districts whose  
14 students are enrolled in a distance learning course;

15 F. give first priority to the delivery of distance  
16 learning courses for credit to distance learning students who  
17 have the greatest need because of geographic location or  
18 circumstances in which a school district may have difficulty  
19 delivering essential course instruction due to financial  
20 restraints or lack of highly qualified teachers; provided that  
21 in fiscal year 2008 the cyber academy shall include, among  
22 those distance learning students who are determined to have the  
23 greatest need, distance learning students served by school  
24 districts that are members of regional education cooperatives  
25 three, eight and nine;

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1 G. ensure that the cyber academy's learning  
2 management system is compatible with school district and  
3 department data collection, analysis and reporting systems;

4 H. ensure that all infrastructure, hardware and  
5 software in the cyber academy are maintained to educational  
6 technology adequacy standards, including compliance with all  
7 rules governing privacy and confidentiality of student records  
8 for secure record storage;

9 I. offer distance learning courses to distance  
10 learning students;

11 J. offer professional development via distance  
12 learning, using a learning management system;

13 K. assist the council on technology in education in  
14 its development of the statewide plan required by Section  
15 22-15A-7 NMSA 1978, including a short- and long-range cyber  
16 academy plan;

17 L. define and coordinate the roles and  
18 responsibilities of the collaborating agencies to establish a  
19 distance learning governance and accountability framework; and

20 M. conduct an annual evaluation and provide an  
21 annual report to the department and the legislature that  
22 includes a detailed report of expenditures; a description of  
23 services provided, including the number and location of local  
24 distance learning sites, public schools and distance learning  
25 students served; the courses offered; the credits generated by

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1 local distance learning sites; and student and teacher  
2 accountability reporting data."

3 Section 6. A new section of the Public School Code is  
4 enacted to read:

5 "[NEW MATERIAL] DISTANCE LEARNING STUDENTS.--A student  
6 must be enrolled in a public school and must have the  
7 permission of the student's local distance education learning  
8 site to enroll in a distance learning course. A distance  
9 learning student shall only be counted in the student's primary  
10 enrolling district for the purpose of determining the  
11 membership used to calculate a school district's state  
12 equalization guarantee. A student shall have only one primary  
13 enrolling district."

14 Section 7. Section 22-15A-7 NMSA 1978 (being Laws 1994,  
15 Chapter 96, Section 7) is amended to read:

16 "22-15A-7. COUNCIL DUTIES.--The council shall:

17 A. advise the bureau on implementation of the  
18 provisions of the Technology for Education Act;

19 B. work with the bureau to conduct periodic  
20 assessments of the need for educational technology in the  
21 public school system and make recommendations to the [~~state~~  
22 ~~board~~] department on how to meet those needs;

23 C. promote the collaborative development and  
24 implementation of educational technologies, projects and  
25 practices to enhance instruction capabilities;

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1           D. develop and recommend to the [~~state board~~]  
2 department a statewide plan to infuse educational technology  
3 into the public school system in support of state and national  
4 education goals, including a cyber academy plan for distance  
5 learning; and

6           E. provide assistance to the bureau in review of  
7 school district technology plans."

8           Section 8. TEMPORARY PROVISION--EVALUATION OF REGIONAL  
9 EDUCATION COOPERATIVE DISTANCE LEARNING NETWORKS.--A network  
10 developed by regional education cooperatives three, eight and  
11 nine shall serve as a regional host in fiscal year 2008. The  
12 cyber academy shall provide a preliminary report to the  
13 governor and the legislature by January 1, 2008 on the quality  
14 and cost-effectiveness of the provision of distance learning  
15 courses by the regional education cooperatives. At the end of  
16 fiscal year 2008, the cyber academy shall prepare a final  
17 report on the quality and cost-effectiveness of services  
18 provided, including whether the services increased the rigor of  
19 school district and charter school curricula, and make  
20 recommendations for the expansion to other regional education  
21 cooperatives.

22           Section 9. APPROPRIATIONS.--

23           A. Eight million five hundred thousand dollars  
24 (\$8,500,000) is appropriated from the computer systems  
25 enhancement fund to the higher education department for

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1 expenditure in fiscal year 2008 to fund the infrastructure for  
2 a sustainable statewide support system for distance learning in  
3 New Mexico, including purchase of equipment, software,  
4 materials and contractual services. Any unexpended or  
5 unencumbered balance remaining at the end of fiscal year 2008  
6 shall revert to the computer systems enhancement fund.

7 B. Two million two hundred fifty thousand dollars  
8 (\$2,250,000) is appropriated from the general fund to the  
9 following agencies for expenditure in fiscal years 2007 and  
10 2008 to support the creation of the New Mexico cyber academy:

11 (1) one million four hundred fifty thousand  
12 dollars (\$1,450,000) to the higher education department for  
13 program administration, information technology services and  
14 maintenance costs; and

15 (2) eight hundred thousand dollars (\$800,000)  
16 to the public education department to be allocated as follows:

17 (a) six hundred thirty thousand dollars  
18 (\$630,000) for initial program costs for the New Mexico cyber  
19 academy for program administration, professional development,  
20 curriculum development and purchase and operating costs;

21 (b) one hundred twenty thousand dollars  
22 (\$120,000) for distribution to regional education cooperatives  
23 three, eight and nine for distance learning networks to  
24 facilitate the exchange of courses and teaching services, and  
25 to enable member public schools to offer their students more

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1 rigorous and more relevant courses, including offering algebra  
2 I to middle school students, and to offer their teachers and  
3 administrators expanded professional development opportunities.  
4 The regional education cooperative distance learning networks  
5 may serve as regional hosting sites for the New Mexico cyber  
6 academy, and shall conduct an annual evaluation of the quality  
7 and cost-effectiveness of its provision of distance learning.  
8 If the evaluation of the distance learning networks indicates  
9 that they are providing quality distance education, increased  
10 rigor in curricula and are cost-effective, the department may  
11 replicate distance learning networks in the remaining regional  
12 education cooperatives;

13 (c) fifty thousand dollars (\$50,000) for  
14 distribution to Rio Rancho public schools for the Rio Rancho  
15 cyber academy to fund its operation and the expansion of its  
16 course offerings; and

17 (d) four hundred thousand dollars  
18 (\$400,000) for distribution to school districts to support  
19 distance learning.

20 C. Any unexpended or unencumbered balance remaining  
21 of the appropriations in Subsection B of this section at the  
22 end of fiscal year 2008 shall revert to the general fund.

23 Section 10. RECOMPILATION.--Section 22-13-27 NMSA 1978  
24 (being Laws 2003, Chapter 162, Section 2) is recompiled into  
25 the Cyber Academy Act.

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